

PORTER V. CABRAL, ET AL

DEPOSITION OF RICHARD DIMEO

1 VOL: I
2 PAGES: 1-94
3 EXHIBITS: 1

4 UNITED STATES DISTRICT COURT
5 FOR THE DISTRICT OF MASSACHUSETTS

6 *****
7 SHEILA J. PORTER, *
8 Plaintiff *
9 -vs- * Civil Action
10 ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
11 SHERIFF'S DEPARTMENT; SUFFOLK *
12 COUNTY and CORRECTIONAL MEDICAL *
13 SERVICES, INC., *
14 Defendants *
15 *****

16 DEPOSITION OF RICHARD DIMEO, a witness
17 called on behalf of the Plaintiff, in the
18 above-captioned matter, said deposition being
19 taken pursuant to the Federal Rules of
20 Civil Procedure, before Patricia M.
21 McLaughlin, a Certified Shorthand Reporter and
22 Notary Public in and for the Commonwealth of
23 Massachusetts, at the offices of Goodwin Procter
24 LLP, Exchange Place, Boston, Massachusetts, on
Wednesday, June 22, 2005, commencing at 10:40 a.m.

25 McLAUGHLIN & ASSOCIATES COURT REPORTERS
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1 JOHN A. KIERNAN, ESQUIRE
2 BONNER, KIERNAN, TREBACH & CROCIATA
3 One Liberty Square
4 Boston, Massachusetts 02109
5 On behalf of the Deponent
6 ALSO PRESENT:
7 Sheila Porter

1 APPEARANCES:
2 ANITA B. BAPOOJI, ESQUIRE
3 GOODWIN PROCTER LLP
4 Exchange Place
5 Boston, Massachusetts 02109
6 On behalf of the Plaintiff
7 ELLEN CAULO, ESQUIRE
8 GENERAL COUNSEL
9 Suffolk County Sheriff's Department
10 200 Nashua Street
11 Boston, Massachusetts 02114
12 On behalf of the Defendants,
13 Andrea Cabral, Suffolk County
14 Sheriff's Department and Suffolk
15 County
16 ALEXANDRA B. HARVEY, ESQUIRE
17 ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN
18 230 Congress Street
19 Boston, Massachusetts 02110
20 On behalf of the Defendant,
21 Correctional Medical Services, Inc.

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4 By Ms. Bapooji 6

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1 Q I just want to go through some ground rules
2 for the deposition, and, Counsel, feel free
3 to let me know if you disagree with any of
4 them. This deposition is going to be
5 conducted according to the Federal Rules of
6 Civil Procedure. All objections, except as
7 to form, and any motions to strike are
8 reserved for trial. The witness, John, if
9 this is okay, will read the transcript within
10 30 days, and we can waive the Notary
11 requirement.
12 MR. KIERNAN: That's fine.
13 Q Mr. DiMeo, have you had your deposition taken
14 before?
15 A I believe I have. Not in regards to this.
16 Q In what case was that?
17 A I have no idea.
18 Q Do you know what it was about? What your
19 testimony was about?
20 A It was so long ago. Maybe it's senility. It
21 may have been an automobile accident.
22 Honestly, I'm not sure. I'm not sure.
23 Q Did it have anything to do with your
24 employment at the Suffolk County Sheriff's

1 STIPULATIONS 6
2 At the offices of Goodwin Procter LLP,
3 on Wednesday, June 22, 2005, commencing at
4 10:40 a.m.
5 RICHARD DIMEO,
6 being first duly sworn, was examined and
7 testified as follows:
8 DIRECT EXAMINATION
9 BY MS. BAPOOJI:
10 Q Good morning, Mr. DiMeo. My name is Anita
11 Bapooji, and I'm here on behalf of
12 Sheila Porter. If we could just go around
13 the room and introduce ourselves. To my left
14 is Sheila Porter. If counsel on the other
15 side of the table could introduce themselves.
16 MS. HARVEY: Alex Harvey for CMS.
17 MS. CAULO: Ellen Caulo for Andrea
18 Cabral, Suffolk County Sheriff's Department
19 and Suffolk County
20 MR. KIERNAN: John Kiernan on behalf of
21 Richard DiMeo.
22 Q Mr. DiMeo, you are here represented by
23 counsel today?
24 A That's correct.

1 Department? 8
2 A No.
3 Q Have you ever given a deposition beyond that
4 one that you just mentioned?
5 A No.
6 Q Are you on any medication today that would
7 impair your ability to testify?
8 A No.
9 Q I just want to go through a couple of ground
10 rules. Let me know if you have any questions
11 or don't understand anything. First, you are
12 under oath just as if you would be testifying
13 in court.
14 A I understand.
15 Q The Court Reporter transcribes everything
16 we're saying, so we can't talk at the same
17 time. We just need one of us to talk at
18 once.
19 If you ever need a break, just let me
20 know, but if I've asked a question, I ask
21 that you answer the question before we take a
22 break. If you don't understand something I
23 say or a question, please say so, and I'll
24 try to rephrase it.

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1 Do all those sound agreeable? 9
 2 A Yes.
 3 Q Can you tell me, Mr. DiMeo, what you did to
 4 prepare for today's deposition?
 5 A Spoke to John, read a little bit of the
 6 Complaint.
 7 Q Anything else?
 8 A No.
 9 Q Did you speak to anyone else besides your
 10 attorney?
 11 A No.
 12 Q Did you look at any other documents besides
 13 the Complaint in this case?
 14 A The subpoena.
 15 Q And you understand you are here testifying
 16 today because we served a subpoena on you?
 17 A Yes, but I would have come anyway.
 18 Q Could you tell me, Mr. DiMeo, your work
 19 history?
 20 A 1979, I started employment at the Suffolk
 21 County District Attorney's Office. I think I
 22 spent 22 years there. Then I went to the
 23 Suffolk County Sheriff's Department, I
 24 believe, in July of 2000. I'd like to check

1 that. I'm not sure. I really don't know. 10
 2 Maybe personnel at Suffolk County could help
 3 me with that.
 4 Q That's fine. Around 2000?
 5 A Yeah, I'm pretty sure it was July. I'm just
 6 not sure of what year.
 7 Q What position did you hold when you moved to
 8 the Suffolk County Sheriff's Department?
 9 A I was a deputy superintendent in charge of
 10 the Investigation Division.
 11 Q And the Investigations Division, is that also
 12 referred to as SID?
 13 A Yes.
 14 Q And how long did you stay in that position?
 15 A Two years, a little better than two years. I
 16 retired with the incentive. I believe the
 17 incentive was the latter part of 2002 or
 18 2003. I think I left in November.
 19 Q Okay.
 20 A I think that was it. At the end of November
 21 you had to go.
 22 Q You say you were the deputy superintendent in
 23 charge of SID for two years?
 24 A Two years, a little better than two years.

1 Q And after that you retired? 11
 2 A Yes.
 3 Q So the only position you held at the
 4 Suffolk County Sheriff's Department was
 5 deputy superintendent?
 6 A That's correct.
 7 Q Can you tell me a little bit about your
 8 educational background?
 9 A High school. Then I went to work.
 10 Q Now, you said you retired with the incentive.
 11 What did you mean by that?
 12 A The county offered five years towards your
 13 age or five years towards your years of
 14 service or any combination thereof, like
 15 three towards your age. Well, that put me at
 16 80 percent, and I took advantage of the
 17 retirement. It was offered, I'm pretty sure,
 18 by the county not by the state, because it
 19 had to be approved by the mayor.
 20 Q Who hired you for the position of deputy
 21 superintendent at SID?
 22 A Richie Rouse, Brian Burns.
 23 Q You say you retired in November?
 24 A That's my best memory.

1 Q Do you recall the year? 12
 2 A I'm not good at this years thing. 2002. Was
 3 it 2002? I believe it was.
 4 Q After you retired, what did you do?
 5 A I'd do some private stuff.
 6 Q What private stuff?
 7 A Executive protections, background checks,
 8 that kind of stuff.
 9 Q After you retired, did you continue to work
 10 in any capacity with the Sheriff's
 11 Department?
 12 A Oh, yes, yes, as a consultant, and what I did
 13 there was background checks, strictly
 14 background checks on new employees coming in,
 15 specifically corrections officers. I only
 16 did that for a short while. My guess would
 17 be six months or so. It was exclusive to
 18 that.
 19 Q After you retired, you worked with the
 20 Suffolk County Sheriff's Department as a
 21 consultant to do background checks?
 22 A That's correct.
 23 Q Did you do anything else during that period
 24 helping out the Suffolk County Sheriff's

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13

1 Department?

2 A No.

3 Q Let me ask this question. Was there a new

4 sheriff starting around the same time as when

5 you retired?

6 A Yes, Andrea Cabral.

7 Q Did you assist with the transition to the new

8 sheriff?

9 A A little bit, yeah.

10 Q What sort of things did you do?

11 A I welcomed them in. I had known them from

12 the past from the District Attorney's Office,

13 kind of introduced them to a couple of people

14 and spoke with Viktor Theiss about the

15 transition.

16 Q Who was Viktor Theiss?

17 A My understanding was he was going to take my

18 position when I left.

19 Q Do you recall when you spoke to him?

20 A How do you mean that, specifically?

21 Q Was it around the time that you retired in

22 November?

23 A Yeah, shortly.

24 Q Was it around January, just timing?

14

1 A Prior to my leaving.

2 Q And you left approximately six months after

3 you retired in November of 2002?

4 A Wait a minute now. That's vague to me. I

5 retired in November. I did not go back to

6 the Sheriff's Department. I worked as a

7 consultant. I wasn't there on a daily basis.

8 I was at home. I did background checks from

9 my home.

10 The only thing I may have done was go

11 into personnel and pick up folders on people,

12 some future employees they may have wanted me

13 to do background checks on. I want you to

14 understand that I wasn't there every day or a

15 full-time employee. It was on occasion I

16 would go in. Okay?

17 Q Got it. How long was that period of when you

18 were a consultant?

19 A Again, six months or about.

20 Q And approximately how often during a week

21 would you go to the Suffolk County Sheriff's

22 Department?

23 A It wasn't even weekly. Sometimes it was

24 biweekly, so maybe once every two weeks,

15

1 maybe even longer. It would depend upon the

2 hiring process, because they would have

3 classes. There would be so many people that

4 they would want to hire for a class of

5 corrections officers.

6 So it might take three weeks, and then

7 they say here is a bunch of people we want

8 you to do background checks on; we'd like to

9 get this class in by such and such a date. I

10 would try to do my darndest to try to get

11 background checks done by that date so the

12 class could go on.

13 Q You may have visited the Sheriff's Department

14 to get personnel records?

15 A Well, I would go to get the employee

16 packages, personnel folder on the future

17 employee, pick those up, because it would

18 give me an indication of where they worked,

19 and I would check their references, where

20 they lived, if I was going to go to the

21 neighbors to see what type of information I

22 would could gather about the employment of

23 this corrections officer.

24 Q During the period, that six-month period,

16

1 when you were a consultant, who were you

2 reporting to at the Suffolk County Sheriff's

3 Department?

4 A Susan Grimes.

5 Q Who is she?

6 A The head of personnel.

7 Q What did you understand the mandate of SID to

8 be while you were there?

9 A To look at any problems, any illegal

10 activities, and to conduct an investigation

11 into any information received either by an

12 inmate, corrections officers, family member,

13 written letter or any type of complaint would

14 be taken seriously.

15 Q What were your specific duties and

16 responsibilities as the deputy superintendent

17 of SID?

18 A To oversee any and all investigations and

19 provide training when necessary, review

20 reports, approve reports, develop a tracking

21 system, review the tracking system on a

22 weekly basis with all personnel in regards to

23 complaint that we had received during the

24 day, week, month and year.

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17

1 Q Anything else?

2 A No.

3 Q What is the tracking system that you referred

4 to?

5 A When I or my department received the

6 complaint, we would put this -- this was a

7 confidential tracking system, held by me and

8 accessible to my personnel, to the sheriff

9 and to the deputy sheriff. Is that what

10 Brian Burns was, the deputy sheriff? Yes,

11 and the deputy sheriff. That would record

12 and document each and every complaint that

13 come in and identify the person that they

14 were complaining about or the charge.

15 That tracking system was reviewed by me

16 on a weekly basis with my staff. I would get

17 updates. I would review what was going on

18 with each and every complaint. If I thought

19 it needed follow up, they would follow up, my

20 personnel. We would follow that until that

21 case closed. For example, if it was an

22 allegation of abuse by a corrections officer,

23 we would review that until it went to the

24 legal department and was scheduled for a

18

1 hearing. They would give me the result of

2 that hearing, and I would document that --

3 As a matter of fact, if you have a copy

4 of the Stern Report, I believe all of that is

5 in it. Once the legal department was

6 finished with its complaint or the court was

7 finished with its complaint, I would get a

8 disposition and record that.

9 Q What format was this tracking system in? Was

10 it electronic, paper?

11 A Both.

12 Q Did it exist at the time you joined the

13 Suffolk County Sheriff's Department?

14 A No.

15 Q So it was something you started?

16 A Yes.

17 Q Approximately when did that tracking system

18 begin?

19 A Immediately.

20 Q Was it still in place when you retired?

21 A Yes.

22 Q Was it still in place both electronically and

23 in paper format?

24 A Yes.

19

1 Q Now, you described the mandate of SID as to

2 looking into any problems or conducting

3 investigations. Did SID also serve as a

4 liaison with outside law enforcement

5 agencies?

6 A Absolutely.

7 Q In what way?

8 A I worked with the State Police, with the FBI,

9 with the Boston Police and the Boston County

10 District Attorney's Office and other

11 correctional facilities.

12 Q Was being the deputy superintendent an easy

13 job?

14 A Are you kidding? No.

15 Q Why was it not?

16 A It was very difficult.

17 Q Why was it difficult?

18 A There were a lot of issues and a lot of

19 problems before I got there. One of the

20 reasons I think they hired me was because I

21 was an outsider, if you will, who I like to

22 think had a good reputation. As a matter of

23 fact, I told the sheriff and Brian Burns when

24 I came there I worked hard to get to where I

20

1 am; I don't expect to change it.

2 Again, if you know the Stern Report, I

3 think it indicates that in the Stern Report.

4 I was proud and proud of what I did, both

5 with the Suffolk County District Attorney's

6 Office and the Sheriff's Department.

7 Q Why do you think they hired you because you

8 were an outsider?

9 A Well, I can't be sure. I mean, I can tell

10 you people said to me they needed people who

11 were not from within because of all the

12 issues that were going on at the jail, like

13 some of the things referenced in here with --

14 I don't want to mention names, but the woman

15 who got pregnant and the Tourette's problem.

16 Those things were appalling. I believe

17 counsel knows what I'm talking about.

18 Q I don't. When you say as described in here,

19 what were you referring to?

20 A The pregnant woman, inmate.

21 Q But you were referring to the Complaint.

22 Were you referring to the Complaint in this

23 case?

24 A I'm not sure I understand your question.

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21

1 Q Let me actually take a step back. You said
 2 there were a lot of issues when you came on
 3 board, and you described that there was an
 4 issue of an inmate getting pregnant?
 5 A Prior to my getting there, there was an
 6 issue. It's referred in here. (Indicating.)
 7 Q When you say in here what do you --
 8 A That's the Complaint, isn't it? Do you want
 9 me to get the page or anything?
 10 Q No, I need to put it on the record, because
 11 the record can't tell when you're pointing
 12 what your pointing to.
 13 A My mistake.
 14 Q What sort of issues did you have to deal with
 15 when you came into the Suffolk County
 16 Sheriff's Department?
 17 A Where do you begin? From day one, I think I
 18 worked an 18-hour day. I was dealing with
 19 issues with corrections officers, corrections
 20 officers, one corrections officer, a female
 21 having an affair with another female inmate,
 22 corrections officers abusing inmates,
 23 assaulting them, corrections officers
 24 bringing in drugs, inmates dealing drugs,

22

1 inmates with possession of drugs, those kinds
 2 of issues.
 3 Q Would you say it was a troubled institution
 4 when you joined?
 5 MR. KIERNAN: I only object to the
 6 extent that you have to define your terms.
 7 What you mean by troubled institution?
 8 A That's exactly where I was going. In
 9 comparison to what? I would assume that all
 10 institutions are the same; that there is
 11 trouble within those institutions,
 12 correctional facilities. If you could be
 13 more specific, I'd be happy to answer your
 14 question.
 15 Q Did you ever work at another correctional
 16 institution?
 17 A No.
 18 Q Did you think there were a lot of problems at
 19 the institution when you joined?
 20 A Joined?
 21 Q When you started.
 22 A Again, I don't know how to measure that.
 23 There were issues there, but I expected
 24 issues. I mean it's a correctional

23

1 institute. I expected problems. I knew it
 2 was going to be challenging. I kind of
 3 enjoyed the challenge.
 4 Were there problems? Yes. In
 5 comparison to other institutions, I don't
 6 know. I don't know if it was any better,
 7 worse.
 8 Q Now, was there anything else that led you to
 9 believe your job was not an easy one?
 10 A Also, let me answer it this way. I worked at
 11 the Suffolk County District Attorney's Office
 12 for 23 years. I had a ball there. It was
 13 fun. It was hard work.
 14 At the jail, it wasn't as much fun. I
 15 always felt like no matter what I did people
 16 were disliking you. I mean, at the District
 17 Attorney's Office you felt like you
 18 accomplished something. Not that I didn't
 19 accomplish something at the jail, but it was
 20 a little more difficult.
 21 I still enjoyed the investigation end of
 22 it. That was my expertise. That's what I
 23 enjoyed. That's what I had fun with. I'm
 24 not saying I had fun at the jail. It was

24

1 more challenging. I enjoyed the District
 2 Attorney's Office better than I did the jail.
 3 Does that help?
 4 Q It does. Thank you. What was your role in
 5 the Suffolk County DA's Office?
 6 A I started at police headquarters as an -- can
 7 you help me with --
 8 MR. KIERNAN: No.
 9 Q If you recall your last position, that's
 10 fine.
 11 A I was chief.
 12 Q Chief of?
 13 A The Investigation Division.
 14 Q And you mentioned, when you just testified,
 15 that it was difficult at the jail or at the
 16 Suffolk County House of Corrections. How so?
 17 A Did I say it was difficult?
 18 Q I can read it back.
 19 A I think we're clear. Difficult? It troubled
 20 me that correction officers had the gaul to
 21 beat an inmate or to bring drugs in. It was
 22 appalling to me. That part was very
 23 difficult for me to take and to understand.
 24 Maybe I can explain it this way also.

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25
1 My son was an inmate there at one point, not
2 while I was there, although he did come in
3 once when I was there and got transferred
4 out. I can't imagine someone doing that to
5 my son or anybody else's. So that was very
6 difficult for me to put up with that.
7 Q Was it difficult to do investigations?
8 A No, I had no problem doing investigations
9 when they did that, none at all.
10 Q What would you do as part of an
11 investigation?
12 A Again, will you be more specific?
13 Investigations aren't just --
14 Q Why don't you walk me through a situation
15 where somebody comes to SID while you were
16 the deputy superintendent and complains about
17 a correction officer.
18 A I would find out the nature of the complaint,
19 who the corrections officer was. Inmates lie
20 too. So you can't always take what they're
21 saying and just run with it as if it's true.
22 You have to substantiate an awful lot of
23 things. So I would take that complaint, give
24 it a number, tracking, assign someone the

26
1 case, and we would look into it.
2 Q What sorts of things would you do to look
3 into a complaint?
4 A It depends on what the complaint was.
5 Q Did you ever feel that some people weren't
6 forthcoming with information as part of an
7 investigation?
8 A I think that's true in every case. I worked
9 a lot of years in homicide, and they weren't
10 always forthcoming. They always leave a
11 little bit out, both sides. Then you keep
12 pressing, and you try and get as much truth.
13 I guess we're seeking the truth. That's all
14 I can do.
15 Q Did you ever feel in your role as Deputy
16 Superintendent sometimes you were seeking the
17 truth and people weren't always willing to
18 talk to you?
19 A I believe they had to talk to me.
20 Q Why do you believe that?
21 A Well, if it was -- an inmate probably didn't
22 have to talk to me, but most corrections
23 officers had to talk with me. I think that
24 was something that had to do with their

27
1 contract, they had to speak to me or the
2 legal department could compel them to speak
3 to me. If I had to do that, I would.
4 If your next question is do I recall
5 that? To my memory, I don't remember ever
6 compelling an officer to speak to me. I
7 think I spoke to most. I think we had an
8 understanding, the officers. They knew I was
9 serious about my job, and I took it serious.
10 Q Did you ever feel there were instances where
11 a guard would not come forward and tell you
12 about a violation committed by another guard?
13 THE WITNESS: Say that again?
14 MS. BAPOOJI: Could you read it back?
15 (Reporter read question as recorded.)
16 A Did I ever feel that way? I don't know. Did
17 I feel that way? I'm sure there may have
18 been instances. If I think about it, I'm
19 sure that officers probably or inmates or
20 people don't always want to be forthcoming.
21 Q Why is that?
22 A I think that's people's nature.
23 Q Can you explain that? I'm just not sure I
24 understand why that's people's nature?

28
1 A Everybody always -- in that facility, I don't
2 know that they're always going to be
3 forthcoming.
4 Q Why is that the case in that facility?
5 A Any facility like that.
6 Q Why is that the case?
7 A I have no idea.
8 Q You have no idea why some people don't want
9 to come forward?
10 A No.
11 Q Did you ever feel that inmates did not want
12 to come forward and report abuse by guards?
13 A I would think that that's probably -- yeah, I
14 would think that that happened. Did I ever
15 feel it? You're throwing me with the
16 feeling, do I feel it. Do I think that
17 inmates would be afraid to come forward?
18 Yes, I would think that in fear of
19 retaliation. I would think that's true of
20 any facility.
21 Q Do you think that's true while you were
22 there?
23 A Yeah, probably.
24 Q And the reason that you understand inmates

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1 would not want to come forward is because of
 2 a fear of retaliation?
 3 A Fear of retaliation from whom? It could be
 4 from other inmates. It could be from
 5 corrections officers. It could be people on
 6 the street. You're being so broad; it's
 7 tough. It's tough for me.
 8 Q You had mentioned the term, retaliation.
 9 A Just now?
 10 Q Do you recall using that word?
 11 A Yes.
 12 Q I just wanted to understand when you used
 13 that term who were you thinking they would be
 14 retaliated against by.
 15 A People on the street, other inmates, maybe
 16 corrections officers. Let me go on further.
 17 You're making this so broad. If I thought
 18 there was a threat by a corrections officer
 19 to an inmate, I would remove the inmate from
 20 the facility if that's what you're asking me.
 21 You're being so broad. Let me say this.
 22 My first priority is the inmate's safety
 23 beyond anything else or a corrections officer
 24 or anybody's safety. That was my first

30

1 concern then; it is now. If I thought an
 2 inmate was in jeopardy, they would be gone.
 3 They would go to another institution without
 4 a doubt.
 5 Q Did you ever have to transfer an inmate?
 6 A Yes.
 7 Q Under what circumstances?
 8 A Gang members being in the same facility,
 9 people that may have given information about
 10 other gang members that people knew one
 11 another and may not be safe. They would be
 12 transferred. If I got a call from the
 13 Suffolk County District Attorney's Office
 14 that this person is cooperating with so and
 15 so, those kinds of things. Now, whether we
 16 had --
 17 There was an inmate at the House of
 18 Correction who was beaten bad by a
 19 corrections officer from South Boston. I
 20 can't think of his name. I'm pretty sure we
 21 got him quickly out of the facility. We
 22 brought criminal charges. I don't think it
 23 ever went forward, but I believe he was
 24 terminated for that. I would call in the

31

1 Boston Police, crime scene, photographs,
 2 fingerprints. Whatever needed to be done, we
 3 would do. I think they were quite surprised
 4 that I would do that.
 5 Q Who would be quite surprised?
 6 A I remember a corrections officer saying that
 7 that's the first time he ever saw the Boston
 8 Police Identification Unit come in and do a
 9 crime scene.
 10 Q At the facility?
 11 A Yes, other than a hanging. I know I went to
 12 a couple of hangings at the jail, at least
 13 one when I was at the District Attorney's
 14 Office.
 15 Q When was that instance when the Boston Police
 16 came to the facility?
 17 A During my term.
 18 Q Do you know whether it was at the beginning
 19 or the end?
 20 A Somewhere in the middle. That tracking
 21 system, I would also talk with the Suffolk
 22 County District Attorney on a weekly basis,
 23 Bruce Holloway, about that tracking system.
 24 If I thought there were any criminal

32

1 complaints, he would review; we would
 2 discuss. Even if I thought something was
 3 close, we would discuss it, and on a weekly
 4 basis, I would review that with the Suffolk
 5 County DA's Office. I actually wanted them
 6 to get copies of the tracking system. I
 7 don't think that ever got approved, but I
 8 wanted that to happen.
 9 Q Who did you replace as Deputy Superintendent
 10 at SID?
 11 A He's still at the jail, I believe. It wasn't
 12 Nate Linkoff. It was someone after Nate. I
 13 worked with him too. I can't think of his
 14 name. It may come to me.
 15 Q Do you believe that staff members were
 16 reluctant to report other staff members?
 17 A Do I believe staff members -- I'm sure there
 18 may have been a few.
 19 Q Why are you sure?
 20 A Just prior to my coming there, I knew there
 21 was some issues. It certainly seemed likely
 22 that that was the case. I certainly would be
 23 concerned about that in my investigations,
 24 having in mind the history there that not

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1 everybody is going to be forthcoming
2 possibly.

3 Q And you mentioned that before you got there
4 there were some issues with that. What were
5 you referring to?

6 A Again, back to Red Sting and this report that
7 you sent over to Mr. Kiernan about the
8 complaint, there is some specific indications
9 of problems at the jail within this report
10 that I had heard about prior to my coming
11 there. So I thought there may be some issues
12 that not everybody was going to be
13 forthcoming if they are impregnating female
14 inmates.

15 Q You knew about some of these instances that
16 you had read about in the Complaint before
17 you started?

18 A I have heard about them, yes. Yes, I did.

19 Q I have never heard about this situation
20 involving the Tourette's case that you
21 mentioned. Can you describe that to me, what
22 happened?

23 A My understanding with the Tourette's case was
24 there was an inmate with Tourette. I never

34

1 witnessed this. This is only what I heard.
2 I have no specific knowledge of this
3 personally, but what I heard was that there
4 was a kid with Tourette's, who corrections
5 officers made fun of him and eventually beat
6 him. There was a criminal complaint, and I
7 thought they were found guilty. I think
8 Mrs. Porter may know more about that than I
9 do.

10 Q Did that happen before you were there?

11 A Before I was there.

12 Q I believe you testified earlier that you are
13 sure some of the staff wouldn't come forward
14 and tell you about things about other staff.

15 MS. HARVEY: Objection

16 MS. CAULO: Objection.

17 A I'm not sure I said I'm sure. I might have
18 said I'm sure that's possible. Could I be
19 positive? No.

20 MS. BAPOOJI: I just want to be
21 accurate.
(Witness and counsel conferred.)

22 BY MS. BAPOOJI:

23 Q Mr. DiMeo, is there anything you wanted to

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1 correct?

2 A I'd like you to read that back, because I'm
3 not sure you got that terminology right.
4 When I say I'm sure, when you think about it,
5 you've got to think probably that's the case.
6 I don't know how you're interpreting I'm
7 sure. I'm not positive. I didn't see it. I
8 don't know. It may have happened. When you
9 think about it, you say, gee, it's likely
10 that that happened.

11 Q Do you think it happened?

12 A No. Tell me what the question is.

13 Q Let me ask it this way. While you were at
14 the Suffolk County Sheriff's Department, do
15 you think there were instances where staff
16 did not report violations by other staff
17 members?

18 MS. CAULO: Objection. Clarification as
19 to staff?

20 MR. KIERNAN: Do you understand the
21 terminology, who staff is?

22 Q Let me ask it again. When I'm using the
23 term, staff, I'll define that as employees
24 who work at the Suffolk County Sheriff's

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1 Department or contract workers who work at
2 the Suffolk County Sheriff's Department.

3 MS. HARVEY: I object to that
4 definition.

5 MS. CAULO: I object as well.

6 MS. BAPOOJI: What is the objection?

7 MS. HARVEY: Contractors is not a
8 standard definition of the word, staff.
9 You're defining it to me to mean something
10 that the word, staff, does not mean.

11 Q Do you think there were instances where staff
12 of the Suffolk County Sheriff's Department
13 did not report violations committed by other
14 staff?

15 MS. HARVEY: I object again.

16 MS. CAULO: Objection.

17 MS. HARVEY: I'm only objecting, because
18 you have left your definition of staff on the
19 record. If you're changing it, I'll withdraw
20 my objection.

21 MS. BAPOOJI: Would you have an
22 objection if I say employees?

23 MS. HARVEY: No.

24 BY MS. BAPOOJI:

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1 Q Let me ask the question this way. Do you
2 think while you were Deputy Superintendent
3 that employees of the Suffolk County
4 Sheriff's Department did not report
5 violations committed by other employees of
6 the Suffolk County Sheriff's Department?

7 MR. KIERNAN: Now, I have to object. If
8 you're asking whether he thinks that it
9 happened -- can you parse that question as to
10 whether or not he has direct knowledge that
11 it happened as opposed to whether or not he
12 assumes that it happened? I don't want to
13 him to speculate. Direct knowledge, I have
14 no problem with.

15 MS. BAPOOJI: But it's kind of hard to
16 ask him of direct knowledge of something that
17 didn't happen. I want to understand if he
18 believes that that occurred.

19 MR. KIERNAN: He could find out after
20 the fact, so there could be some direct
21 knowledge after the fact. I'm not trying to
22 be an obstructionist. I don't want you to
23 speculate.

24 BY MS. BAPOOJI:

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1 Q Let me take it in steps and pieces then.
2 Hopefully, we can get through this. Are you
3 aware of instances where an employee of the
4 Suffolk County Sheriff's Department did not
5 report a violation committed by another
6 employee?

7 A No.

8 Q Do you think that ever occurred?

9 MS. CAULO: Objection.

10 Q Let me rephrase the question.

11 A How do I answer that?

12 Q I'm asking you if you believe that employees
13 of the Suffolk County Sheriff's Department
14 did not report violations committed by other
15 employees?

16 MS. CAULO: Objection.

17 MR. KIERNAN: I just want you to be able
18 to understand the question.

19 A I'm thinking like do I believe the sky might
20 fall some day. I don't know how to answer a
21 question like that. Do I believe that other
22 employees -- I don't know.

23 Q Have you ever heard of the term, code of
24 silence?

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1 A I read it.

2 Q Where did you read it?

3 A In this -- again, I have to refer back to
4 this report that I referred to several other
5 times.

6 MR. KIERNAN: Just so the record is
7 clear, that's the Complaint. What he is
8 referring to is the Complaint.

9 Q I want you to forget about that Complaint,
10 Mr. DiMeo.

11 A I can't forget about that Complaint, and I'll
12 tell you right now I'm not going to forget
13 about that Complaint.

14 Q I want to know what your testimony is and put
15 that Complaint aside.

16 A I have been doing that, haven't I?

17 Q I think so, but you have been referring a
18 number of times to that Complaint.

19 A Well, only because of the question that you
20 asked me, and in order to be able to answer
21 your question, it would help all of us to
22 refer back to this so everybody understood my
23 answer.

24 Q I would actually ask that you just base it on

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1 your own knowledge and just answer the
2 questions based on what you know and not
3 worry about referring to that Complaint.

4 A I'm not trying to give you a hard time, but
5 aren't I here because of this?

6 MS. HARVEY: You asked him if he ever
7 heard of the code of silence, and if he says
8 no, then he's lying because he read it in the
9 Complaint. So if you don't want him to refer
10 to the Complaint, then you have to say other
11 than what you read in the Complaint.

12 BY MS. BAPOOJI:

13 Q Fair enough. Let's go back, Mr. DiMeo, and
14 let me ask you this. Other than reading the
15 Complaint in this case, have you ever heard
16 of the term, the code of silence?

17 A Yes.

18 Q What was your understanding before you read
19 this Complaint of the term, the code of
20 silence?

21 A I grew up in East Boston, and there were a
22 lot of rough people and people that may have
23 done illegal things. And they referred to
24 some people, that they had a code of silence.

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1 So do I understand that term? Yes.

2 Q What do you understand that term to mean?

3 A That you don't say anything.

4 Q Do you believe that there was a code of

5 silence at the Suffolk County Sheriff's

6 Department?

7 MS. CAULO: Objection.

8 Q You can answer.

9 A I don't know. I don't know if there was a

10 code of silence. No one ever told me there

11 is a code of silence there. It was never

12 referred to me in any way that there was a

13 code of silence here.

14 Q So there could have been a code of silence?

15 MS. HARVEY: Objection.

16 MS. CAULO: Objection.

17 MR. KIERNAN: Don't speculate. If you

18 can answer the question, okay. Don't

19 speculate.

20 A I'm not.

21 Q So you don't know either way whether there

22 was a code of silence at the Suffolk County

23 Sheriff's Department while you were there?

24 A No.

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1 Q You do know?

2 A I don't know that there was a code of silence

3 there.

4 Q Had anyone ever told you that there was a

5 code of silence at the Suffolk County

6 Sheriff's Department?

7 MS. CAULO: Objection. Asked and

8 answered.

9 A If I did, I would have answered yes to the

10 previous question, right?

11 Q Did you ever think that there may have been a

12 code of silence at the Suffolk County

13 Sheriff's Department?

14 MS. CAULO: Objection.

15 A May I ask where you're going? I don't know

16 anything about a code of silence at the jail.

17 Q Did you ever do anything to investigate

18 whether there was a code of silence at the

19 jail or the House of Correction?

20 A I'm getting upset now.

21 Q Why are you getting upset, Mr. DiMEO?

22 A Because I have answered this question six

23 ways to Sunday so far, and you're persistent

24 with it. I don't know anything about a code

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1 of silence at the jail. Had I known, I would

2 have investigated it. Had someone told me, I

3 would have tried to find out what they were

4 talking about and done something about it.

5 That's why I'm getting upset. I guess I

6 answered.

7 Q Did you have anything else you wanted to add?

8 A No.

9 Q Did you ever think people were --

10 A I'm not upset at you. I'm upset at the

11 questions, I guess.

12 Q I just want to understand why you're upset

13 with the questions.

14 A Because I'm proud of what I do. I answered

15 the question. I told you the truth, and then

16 you pursued it anyway like I didn't answer

17 it.

18 Q I'm just trying to understand.

19 A Okay. I'm just explaining. Sorry.

20 Q That's okay.

21 A May I ask who this is?

22 MS. BAPOOJI: The person who has entered

23 the room is an individual by the name of

24 David Schumacher, who is also at Goodwin

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1 Procter. He's another attorney of

2 Sheila Porter's. I should have introduced

3 him.

4 THE WITNESS: Hi.

5 Q When you were at the Suffolk County Sheriff's

6 Department, did you think employees would not

7 come forward for fear of retaliation?

8 A Employees?

9 Q Correct.

10 A If they would come forward?

11 Q Do you understand the question?

12 A Yeah, I'm trying to process. No. That the

13 employees were afraid to come forward in fear

14 of retaliation? No. Of what?

15 Q Do you think there was any reason why one

16 correction officer would not report a

17 violation committed by another correction

18 officer?

19 MS. CAULO: Objection to the premise

20 underlying of that question.

21 MS. BAPOOJI: Which premise just so I

22 can correct it?

23 MS. CAULO: There is the premise before

24 Mr. DiMEO that correction officers would not

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1 come forward. So, therefore, you're asking
 2 did he think that. I was objecting to that,
 3 because I don't think he has testified as
 4 such.
 5 Q Let me ask the question another way.
 6 Mr. DiMeo, do you think employees of the
 7 Suffolk County Sheriff's Department would
 8 report all violations committed by other
 9 employees?
 10 A I don't know. I would hope so. I would want
 11 them to. I would encourage them to. I would
 12 talk with them if I felt that they wouldn't
 13 come forward. Did that answer your question?
 14 Q Not really.
 15 A That's my best answer, I guess.
 16 Q Did you think that there were times where
 17 they did not come forward?
 18 A I don't know. I wouldn't know if they didn't
 19 come forward.
 20 Q Do you believe that there were instances
 21 where they didn't come forward?
 22 MR. KIERNAN: My objection again.
 23 You're asking him to speculate, because he
 24 really answered the question. He said he

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1 wouldn't know if they didn't come forward.
 2 If you can answer the question, fine, but I
 3 ask you not to speculate.
 4 A Yeah, I answered your question.
 5 Q Do you think that some employees would not
 6 come forward and report violations because of
 7 a fear of retaliation, Mr. DiMeo?
 8 MS. CAULO: Objection. Asked and
 9 answered.
 10 MS. HARVEY: Objection. Asked and
 11 answered. I have written that exact
 12 question, Counsel, right here.
 13 A I have answered it.
 14 Q What was your answer?
 15 A I don't know. I looked over there because I
 16 saw the movement.
 17 Q I'm just wondering why you kept looking over
 18 to your right shoulder.
 19 A Because I saw the movement and I thought the
 20 objection was coming, because I already
 21 answered the question.
 22 Q You referred earlier that you had heard the
 23 term, code of silence, while you were growing
 24 up in East Boston.

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1 A Yes.
 2 Q Have you heard that term in any other
 3 context?
 4 A No, I don't think so.
 5 Q Have you ever heard that term used in the
 6 context of a corrections facility?
 7 A No, I think I just heard it about the FBI
 8 though. Did I read something about a code of
 9 silence with the FBI with the guy that just
 10 got indicted? Maybe there was a code of
 11 silence there. I don't know.
 12 Q Did that have to do with --
 13 A No, I thought that was within the FBI, some
 14 code of silence.
 15 Q Now, you testified about a Stern Commission.
 16 You mentioned the Stern Commission?
 17 A Yes, I did.
 18 Q What was the Stern Commission?
 19 A It was a body of people who at the request of
 20 then Governor Swift were asked to go into the
 21 Suffolk County facilities and do a complete
 22 record, if you will, of the goings-on with
 23 the institution.
 24 Q Did you participate at all?

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1 A Yes.
 2 Q Can you describe what you did?
 3 A I spoke to the individuals who were part of
 4 the Stern Commission. We went over -- I
 5 guess I answered. We went over my tracking
 6 system.
 7 Q Did you go over anything else with the Stern
 8 Commission?
 9 A Yes.
 10 Q What else?
 11 A People we had under investigation at the
 12 time. The body of the report, I gave them
 13 some information as to the contents of my
 14 tracking system, and we reviewed some of
 15 issues and what I was trying to do and where
 16 I was going with that tracking report after
 17 and my goals with that report.
 18 Q So you helped them in any way you could to
 19 provide information; is that right?
 20 A Yes.
 21 Q You were interviewed by members of the Stern
 22 Commission?
 23 A Yes, several.
 24 Q How many times?